

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

AVISTUS FOBATE,

Plaintiff,

V.

R.J.SMITH, et al.,

## Defendants.

Case No. 2:22-cv-01948-ART-MDC

## ORDER

11        This action began with a *pro se* civil-rights complaint filed under 42 U.S.C.  
12        § 1983 by a state prisoner. Plaintiff Avistus Fobate has submitted an application  
13        to proceed *in forma pauperis* (“IFP Application”) demonstrating that he is able to  
14        pay the full \$402 filing fee for a civil action. (ECF No. 1). Based on the financial  
15        information provided, the Court denies the IFP Application and directs Fobate to  
16        pay the \$402 filing fee in full before this case may proceed. Alternatively, if  
17        Fobate’s financial situation has changed, he may submit a new IFP Application  
18        with an inmate account statement for the past six months and a properly  
19        executed financial certificate demonstrating his indigent status. After the Court  
20        determines the matter of the payment of the filing fee, the Court will issue an  
21        order on the matter of service.

22 It is therefore ordered that the application to proceed *in forma pauperis*  
23 (ECF No. 1) is denied.

24 It is further ordered that Fobate must pay the full filing fee of \$402 to the  
25 Clerk of Court on or before **February 20, 2024**, to proceed with this case.

1       Alternatively, if Fobate's financial status has changed, Fobate must  
2 demonstrate his indigent status by submitting a new application to proceed *in*  
3 *forma pauperis* with an inmate account statement for the past six months and a  
4 properly executed financial certificate to this Court on or before **February 20,**  
5 **2024.**

6       The Clerk of the Court is directed to send Fobate the approved form  
7 application to proceed *in forma pauperis* for an inmate and instructions for the  
8 same.

9       It is further ordered that if Fobate fails to timely comply with this order,  
10 the Court will dismiss this case without prejudice.

12       Dated this 22<sup>nd</sup> day of January 2024.

14         
15       ANNE R. TRAUM  
16       UNITED STATES DISTRICT JUDGE